

**REMARKS**

Claims 1-2, 3, 5-6, and 8-23 are pending in the present application. Of those, claims 1 and 8-11 are independent claims. Claims 1-2, 3, 5-6, and 8-11 are amended by this Response. Claims 4 and 7 are canceled by this Response. Claims 12-23 are newly added by this Response.

**Claim Rejections under 35 U.S.C. § 101**

Claims 1-8 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following:

In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicant respectfully submits that a “computer readable medium having a data structure for managing reproduction of graphic data” as recited in independent claim 1 stores functional descriptive material.

MPEP §2106.01(I) further states, regarding functional descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” The computer readable medium recited in claim 1 includes a data structure having a data area, the data structure also including graphic information. As recited in claim 1, a graphic segment

includes "graphic information for managing reproduction of graphic images." Accordingly, claim 1 is clearly directed towards patentable, statutory subject matter.

In light of the above, Applicant respectfully requests that the rejection of independent claim 1, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

### **Claim Rejections**

Claims 1-2 and 7-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Seo et al. (U.S. Pub. No. 2002/0006273, herein Seo). Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Seo. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Seo. Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seo in view of Kim et al. (U.S. Pat. No. 7,072,401, herein Kim). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Seo in view of Kato (U.S. Pub. No. 2002/0006165, herein Kato). Applicant respectfully traverses these rejections.

The Examiner asserts at page 4 of the current Office Action that the navigation data of Seo is "graphic information for managing reproduction of graphic images" as required by claim 1. However, Seo discloses at paragraph [0032] "one or more video titles are recorded in the user data zone wherein each video title consists of navigation data for reproduction control and presentation data." Therefore, the navigation data in Seo is for the video title as a whole, and one instance thereof is stored for each video title. The Examiner asserts at page 3 of the current Office Action that the HD pack in FIG. 4 corresponds to the "graphic segments" as required by claim 1. However, the navigation data of Seo is clearly not contained within a transport packet in an HD pack in Seo. To the contrary, FIG. 4 of Seo clearly shows the navigation data is at a higher level, i.e., the title structure level. Therefore, Applicant respectfully submits that Seo fails to disclose "at least one transport packet **in a graphic segment** includes graphic information for

managing reproduction of graphic images” as required by claim 1. Applicant also respectfully submits that even assuming for the sake of argument Seo, Kim, and/or Kato are properly combinable (which Applicant does not admit), Kim and Kato fail to cure the deficiencies of Seo discussed above.

Further, the Examiner already admits that Seo fails to disclose “each transport packet in a graphic segment has a same packet identifier (PID).” Instead, the Examiner relies on Kim as teaching these features.

Kim discloses at col. 2, lines 39-44 “when the viewer intends to watch a broadcasting of a particular broadcasting station, the TV receiver detects the audio, and video PID numbers for a selected broadcasting with reference to the PSI, and a demultiplexer extracts only a video signal and an audio signal having the particular PID.” Therefore, the PID of Kim is for **a selected broadcasting**. Therefore, Kim fails to disclose “each transport packet in a graphic segment has a **same** packet identifier (PID)” as required by claim 1.

Kim also discloses “if the CCs are the same for two successive TPs having the same PID, it is regarded as duplication of packets.” Applicant respectfully submits that while Kim discloses that two TPs may have the same PID, Kim fails to disclose that each transport packet **in a segment**, let alone **a graphic segment**, has a **same** PID. Successive TPs are not a “segment” or “graphic segment” as required by claim 1. Further, as noted above, Kim merely discloses “video PID numbers for a selected broadcasting,” and a selected broadcasting is not a “segment” or “graphic segment” as required by claim 1. Therefore, Kim fails to disclose “each transport packet in a graphic segment has a **same** packet identifier (PID)” as required by claim 1.

Accordingly, Applicant respectfully submits that claim 1 is patentable for at least the above reasons. Further, Applicant respectfully submits that claims 8-11 contain features somewhat similar to those discussed above in regards to claim 1, and therefore, claims 8-11 are

patentable for at least somewhat similar reasons as claim 1. Applicant also submits that claims 2-3 and 6, which depend from claim 1, are patentable for at least the same reasons discussed above in regards to claim 1 as well as on their own merits.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) be withdrawn.

#### **New Claims**

New claims 12-23 depend from one of independent claim 8-11 and are patentable for at least the same reasons as the independent claims from which they depend.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$460 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

  
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